



GREENWOOD COMMON COUNCIL DECEMBER 20, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Dane Sinn of the Smith Valley Baptist Church led in prayer.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Councilman Bill Bless was not present.
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Mr. Bates moved to accept the minutes of December 6th as presented, with second by Mr. Gibson. Vote: Ayes.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that the Wal-Mart issue was the main concern at the Plan Commission and would explain more about the zoning issues as they come up.

Mr. Deer read a statement from Parks Board vice-president Mike Sawa describing the contract for a land purchase entered into with Mr. Lawrence Bright. The statement went on to say that the Parks Board may deem it necessary to temporarily alter its direction towards development of a family aquatic center and believes it would be in the best interest of the City to pursue only the purchase of the land via a bond issue at this time. There followed discussion regarding questions on the aquatic center that the Council had posed earlier. Mr. Deer and the City Attorney stressed that the Parks Board has changed direction and feels that the purchase parks land is of prime importance. The Parks Board will act on a resolution in January.

For the Solid Waste Management Board Mr. Gibson reported on a contract with Sam's Club to dispose of recyclable material.

ORDINANCE No. 04-49 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, approximately 82.27 acres located on the east side of Honey Creek Road; ¼ mile south of Cutsinger Road and ¼ mile north of Stones Crossing Road (commonly known as the Bertha E. Bertsch Revocable Trust Property). Mr. Deer moved to pass Ordinance No. 04-49 through first reading. Second by Mr. Gibson. Mayor Henderson opened the public hearing. Tim Stevens, Development Coordinator for Mann Properties, represented the petitioner. The site is currently zoned R-2 and the petitioner requests a change to R-2A. Mr. Stevens detailed the proposal for this site and meetings with the closest neighbors and developer Gene Perkins. There was also extensive discussion on the commitments and zoning classification. At this point, Mr. Armstrong moved to postpone a vote on this ordinance until after the vote on the zoning amendment in Ordinance No. 04-50. Second by Mr. Bates. Vote: Ayes. Motion carried.

ORDINANCE No. 04-50 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately 82.27 acres located on the east side of Honey Creek Road; ¼ mile south of Cutsinger Road; and ¼ mile north of Stones Crossing Road (commonly known as the Bertha E. Bertsch Revocable Trust Property)). Mr. Deer moved to pass Ordinance No. 04-50 through first reading. Second by Mr. Gibson. In discussing the

change, Mr. Hardin expressed his objection to R-2A. The vote to recommend this in the Plan Commission was 7-3. Mr. Deer discussed the house and lot sizes in R-2 as compared to those being presented in this petition. Mr. Stevens urged the Council not to think of the "labels" but to consider the qualitative differences as well as the quantitative. Mr. Deer called for the question. Vote: Ayes. Roll call on Ordinance No. 04-50 – Ayes: Deer, Gibson; Nays: Hardin, Reed, Armstrong, Bates. **ORDINANCE No. 04-50 FAILS.**

Mayor Henderson reconvened the public hearing on Ordinance No. 04-49. As no one else spoke, the public hearing was closed. Mr. Bates moved to amend Ordinance No. 04-49 to change the zoning to R-2 and delete all references to commitments. Second by Mr. Armstrong. Vote: Ayes – Hardin, Reed, Armstrong, Bates; Nays – Gibson, Deer. **ORDINANCE No. 04-49 AMENDED.** Roll call on Ordinance No. 04-49 as amended: Ayes. **PASSED FIRST READING AS AMENDED.** To comply with State statute, at counsel's recommendation, Mr. Bates moved to postpone second reading until February 7th. Second by Ms. Reed. Vote: Ayes. **SECOND READING POSTPONED UNTIL FEBRUARY 7, 2005 MEETING.**

ORDINANCE No. 04-51 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 82.3 Acres Located Approximately ¼ Mile South of Worthsville Road and West of Graham Road (commonly known as the Republic Development, LLC Property). Mr. Gibson moved to pass Ordinance No. 04-51 through first reading. Second by Mr. Deer. Mayor Henderson opened the public hearing. Chris Long represented the petitioner and gave a brief history of the development. As no one else spoke, the public hearing was closed. Mr. Armstrong moved to amend the fourth WHEREAS to delete any reference to rezoning. Second by Mr. Deer. Vote: Ayes. **AMENDED.** Roll call: Ayes. **PASSED FIRST READING.** Again to comply with State statute, Mr. Armstrong moved to postpone second reading until February 7, 2005. Second by Mr. Bates. Vote: Ayes. **SECOND READING POSTPONED UNTIL FEBRUARY 7, 2005 MEETING.**

ORDINANCE No. 04-54 – An Ordinance Vacating a Platted Drainage and Utility Easement on Lot 1 and Remaining Tract in Green Acre Subdivision. Ms. Reed moved to pass Ordinance No. 04-54 on first reading with second by Mr. Bates. Mayor Henderson opened the public hearing for input. As no one spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-53 – An Ordinance Permitting the Payment of Claims Prior to Board Allowance for Certain Kinds of City Expenses. Mr. Bates moved to pass Ordinance No. 04-53 through first reading. Second by Ms. Reed. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 04-31 – A Resolution Authorizing the Clerk-Treasurer to Transact Business With the Public Employees Retirement Fund Through the Use of Electronic Funds Transfer. Mr. Bates moved to pass Resolution No. 04-31 on second reading. Second by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

At this point, Mayor Henderson discussed a committee to interview during the search for Police Chief. He has appointed Gail Richards, Director of the Chamber of Commerce; Darnella Decot, member of the Police Merit Commission; Steve Dhondt, Fire Chief; Bill Jackson, head of Veterans' Affairs for the State and also our Board of Aviation Commissioners; and John Mulvey, Police Chief and Public Safety Director for I.U.P.U.I. They will meet before the first of the year to organize and take resumes between now and the first week in January. The committee will then conduct interviews and make recommendations. With that, the Mayor wished everyone a Merry Christmas and excused himself, as he was not feeling well. President Reed took over the chair.

ORDINANCE No. 04-55 – An Ordinance to Amend the Texts of Greenwood Ordinance No. 02-07, Stormwater Drainage and Sediment Control, and Greenwood Ordinance No. 02-10, Definitions; and to Amend the Text of the Greenwood Municipal Code (1993), As Amended, Chapter 10, Articles 21 and 22; to correct typographical errors and omissions and to add Indiana Municipal Separate Storm Water Runoff Regulations. Director of Engineering Paul Peoni gave a brief history of the drainage requirements in Greenwood. He told the Council that this ordinance was brought forward to correct typographical errors in the 2002 ordinance and to include items that should have been in the ordinance. Mr. Peoni noted that I.D.E.M. has implemented Rule 13, which is concerned with water quality and making sure the developers maintain their sediment control. Consultant Hans Peterson was present and distributed a handout to Council members, giving a brief explanation. Before the last of the three application steps is presented to

I.D.E.M. next month, certain minimum control measures must be in effect, and Mr. Peterson discussed these. A preliminary estimate of the cost to implement the program is \$220,000 per year. This led to discussion of the expenses and the possibility of adding another employee. Ms. Koons-Davis noted that the fee schedule will likely have to be amended to help offset those costs (figures have yet to be put together). **INTRODUCED.**

Ms. Koons-Davis informed the Council that the petitioner for the Bright property would like to make a combined presentation on the following four ordinances and two resolutions:

ORDINANCE No. 04-56 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All ordinances in Conflict Herewith” (Proposed Rezoning of approximately 23.44 acres located approximately ¼ mile east of Honey Creek Road on the north side of Cutsinger Road and east of Alden Place Subdivision, commonly known as the Bright Property). **INTRODUCED.**

ORDINANCE No. 04-57 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 17.0 acres located approximately ¼ mile east of Honey Creek Road on the north side of Cutsinger Road and east of Alden Place Subdivision, commonly known as the Bright Property). **INTRODUCED.**

ORDINANCE No. 04-58 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 85.4 Acres Located Approximately ¼ Mile East of Honey Creek Road on the North Side of Cutsinger Road and East of Alden Place Subdivision (commonly known as the Bright Property). **INTRODUCED.**

RESOLUTION No. 04-32 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 85.4 Acres Located Approximately ¼ Mile East of Honey Creek Road on the North Side of Cutsinger Road and East of Alden Place Subdivision (1050 Cutsinger Road), Referencing Annexation Ordinance No. 04-58. **INTRODUCED.**

ORDINANCE No. 04-59 – An Ordinance Annexation Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (commonly known as the Bright Farm Property). **INTRODUCED.**

RESOLUTION No. 04-33 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (1611 S. Honey Creek Road), Referencing Annexation Ordinance No. 04-59. **INTRODUCED.**

Attorney Bob Wildman represented the petitioner, DS Development, for the above referenced Bright Farm Property. He presented the Council with a booklet containing an area picture, site plans, prototypes of the project, and proposed commitments, along with a density analysis. Mr. Wildman noted that both the Bridgewater Development property and the Bright Farm are currently zoned R-2. They are proposing to annex all the property. Mr. Wildman detailed the proposal as he went through the handout.

Ms. Koons-Davis indicated that Ordinance No. 04-58 will need to be continued until February 21, 2005 to comply with State statute. The petitioner would like to go ahead with the zoning. Mr. Bates moved to postpone Ordinance No. 04-58 to the February 21, 2005 meeting. Second by Mr. Armstrong. Vote: Ayes. **ORDINANCE No. 04-58 POSTPONED UNTIL FEBRUARY 21, 2005 FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 04-60 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 9.328 Acres Located on the South Side of Smith Valley Road and West of the Existing Home Depot Store, and Commonly Known as the Jerry Taylor and Shepherd's Grove Development, Inc. Property. This is the Wal-Mart petition. **INTRODUCED.** The City Attorney suggested that the Council waive the usual procedures for introduction as counsel for the petitioner and counsel for the remonstrators had to attend another meeting at the County. The presentation will be with the first reading and public hearing on February 21st. Mr. Bates moved to waive the requirement for a presentation at introduction. Second by Mr. Gibson. Vote: Ayes. Motion carried. Mr. Armstrong moved to postpone first reading and public hearing to February 21st to comply with State statute. Second by Mr. Hardin. Vote: Ayes. Motion carried. **FIRST READING AND PUBLIC HEARING POSTPONED TO FEBRUARY 21, 2005 MEETING.**

RESOLUTION No. 04-34 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 9.328 Acres Located on the South Side of Smith Valley Road and West of Existing Home Depot, Referencing Annexation Ordinance No. 04-60. **INTRODUCED.**

ORDINANCE No. 04-61 – An Ordinance to Amend the Text of Greenwood Ordinance No. 03-22 "An Ordinance to Establish an Equitable Impact Fee for the Purpose of Planning and Financing Park and Recreational Infrastructure to Serve New Development in the City of Greenwood", To Insert Typographical Omissions and To Amend Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 9, to Add a New Section 2-104, The Special Non-Reverting Fund Entitled the "Park and Recreation Infrastructure Improvement Fund". Counsel explained that the language on charging interest on the installment payment plan had been omitted. **INTRODUCED.**

ORDINANCE No. 04-62 – An Ordinance to Establish Special Non-Reverting Funds to Administer Monies Received by the Police Department From Forfeitures and Seizures, Laboratory Fees, and Unrestricted Donations to the Police Department. This was requested by the Police Chief and the Clerk-Treasurer. **INTRODUCED.**

ORDINANCE No. 04-63 – An Ordinance Providing For an Additional Appropriation of United States Department of Homeland Security Assistance to Firefighters Grant Fund (\$59,750) and of Fire Funds (\$8,250) to the Greenwood Fire Department. Counsel explained that the grant was received two years ago, with the deadline to spend the funds February, 2005. The Fire Department is waiting for quotes on equipment and could not get those funds encumbered before the end of this year so Chief Dhondt wanted to get the procedure started and have a suspension of rules at first reading so it can be taken to the State for approval. **INTRODUCED.**

Under miscellaneous business, Mr. Hardin informed the Council that he reserved the Council chambers on January 5, 2005 at 6:00 p.m. for the ad hoc review committee. There was discussion as to the proposed meeting on January 3rd. Premium pay would have to be paid for City employees who came in.

Mr. Hardin noted that he had information on the tax levy from Eric Reedy to be discussed at the first meeting in January.

Mr. Bates told the Council that he had received a letter from the Greenwood Chamber of Commerce stating their position on the proposed aquatic center. It was made a part of the attachments to this meeting.

Mr. Hardin moved to accept the proposed meeting dates for 2005. Second by Mr. Gibson. Vote: Ayes. Motion carried.

Mr. Deer moved to approve the list of carryovers for 2005. Second by Mr. Gibson. Vote: Ayes. Motion carried.

Ms. Myers passed out the payroll change notices to Council members. There was then discussion on Council appointments to be handled at the first meeting in January.

With no further business, the meeting adjourned at 8:50 p.m.